



**To:** CN=Robert Delp/OU=DC/O=USEPA/C=US@EPA;CN=Jim Martin/OU=R8/O=USEPA/C=US@EPA;CN=Ayn Schmit/OU=R8/O=USEPA/C=US@EPA;CN=Martin Hestmark/OU=R8/O=USEPA/C=US@EPA;CN=Paula Smith/OU=R8/O=USEPA/C=US@EPA;CN=Lisa McClain-Vanderpool/OU=R8/O=USEPA/C=US@EPA;CN=Dayna Gibbons/OU=DC/O=USEPA/C=US@EPA;CN=Sandy Fells/OU=R8/O=USEPA/C=US@EPA[]; N=Jim Martin/OU=R8/O=USEPA/C=US@EPA;CN=Ayn Schmit/OU=R8/O=USEPA/C=US@EPA;CN=Martin Hestmark/OU=R8/O=USEPA/C=US@EPA;CN=Paula Smith/OU=R8/O=USEPA/C=US@EPA;CN=Lisa McClain-Vanderpool/OU=R8/O=USEPA/C=US@EPA;CN=Dayna Gibbons/OU=DC/O=USEPA/C=US@EPA;CN=Sandy Fells/OU=R8/O=USEPA/C=US@EPA[]; N=Ayn Schmit/OU=R8/O=USEPA/C=US@EPA;CN=Martin Hestmark/OU=R8/O=USEPA/C=US@EPA;CN=Paula Smith/OU=R8/O=USEPA/C=US@EPA;CN=Lisa McClain-Vanderpool/OU=R8/O=USEPA/C=US@EPA;CN=Dayna Gibbons/OU=DC/O=USEPA/C=US@EPA;CN=Sandy Fells/OU=R8/O=USEPA/C=US@EPA[]; N=Martin Hestmark/OU=R8/O=USEPA/C=US@EPA;CN=Paula Smith/OU=R8/O=USEPA/C=US@EPA;CN=Lisa McClain-Vanderpool/OU=R8/O=USEPA/C=US@EPA;CN=Dayna Gibbons/OU=DC/O=USEPA/C=US@EPA;CN=Sandy Fells/OU=R8/O=USEPA/C=US@EPA[]; N=Paula Smith/OU=R8/O=USEPA/C=US@EPA;CN=Lisa McClain-Vanderpool/OU=R8/O=USEPA/C=US@EPA;CN=Dayna Gibbons/OU=DC/O=USEPA/C=US@EPA;CN=Sandy Fells/OU=R8/O=USEPA/C=US@EPA[]; N=Lisa McClain-Vanderpool/OU=R8/O=USEPA/C=US@EPA;CN=Dayna Gibbons/OU=DC/O=USEPA/C=US@EPA;CN=Sandy Fells/OU=R8/O=USEPA/C=US@EPA[]; N=Dayna Gibbons/OU=DC/O=USEPA/C=US@EPA;CN=Sandy Fells/OU=R8/O=USEPA/C=US@EPA[]; N=Sandy Fells/OU=R8/O=USEPA/C=US@EPA[]

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**From:** CN=Richard Mylott/OU=R8/O=USEPA/C=US  
**Sent:** Fri 1/11/2013 12:02:17 AM  
**Subject:** Pavillion coverage

[EnergyWire](#)  
[document](#)  
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Pavillion coverage (3) as of 5 pm MST. I sent statement today in response to calls from WyoFile, Casper Star Trib, Platts, and Energy Wire (E&E).

I will be out of the office tomorrow. Lisa McClain-Vanderpool will respond to any additional incomings.

Energy Wire: EPA delaying Pavillion case for 8 months

Mike Soraghan, E&E reporter

Published: Thursday, January 10, 2013

U.S. EPA is delaying its work on the Pavillion, Wyo., water pollution case by more than eight months, angering both sides in the bitter debate about whether drilling and hydraulic fracturing contaminated drinking water in the area.

Neither the people who say their water is contaminated nor the company involved, Encana Corp., wanted the delay. Representatives of both sides today criticized the decision.

"This is very disappointing," said Doug Hock, spokesman for Encana Oil & Gas (USA) Inc. "It's a disservice not only to Encana, but to the people of Pavillion and the state of Wyoming. There's no credible reason for any further delay on this issue."

Encana is the main driller in the Pavillion area, where EPA has been testing groundwater because of

complaints from landowners about fouled water.

In a draft report released a year ago, the researchers said they had found fluid from hydraulic fracturing in groundwater but not in drinking water.

Encana, along with state officials, maintains that EPA contaminated the water itself when it drilled its two monitoring wells (EnergyWire, Dec. 7, 2012).

EPA is to put a notice in the Federal Register tomorrow that it will extend the comment period, which was to expire next week, until Sept. 30, according to a federal document posted today. The agency released a statement but did not provide an explicit reason for the delay.

"This extension will allow the public additional opportunity to comment on EPA's draft report and the latest round of sampling conducted by EPA" and the U.S. Geological Survey, an agency spokesman said in a statement. "The agency will take into account new data, further stakeholder input, and public comment as it continues to review the status of the Pavillion investigation and considers options for moving forward."

The vague reasoning left room for people on both sides to speculate about what is happening behind the scenes.

Deb Thomas, an organizer who has worked with the Pavillion-area residents with water complaints, said she believes EPA headquarters officials in Washington are interfering with the diligent efforts of scientists at the agency's Denver-based Region 8 office.

"Region 8 has done such a good job on this," Thomas said. "It appears that upper levels of management are not giving residents of Pavillion the same consideration."

Industry officials say EPA is trying to figure out what to do with flawed findings.

"This delay shows that the EPA is running scared," said Simon Lomax, the Denver-based spokesman for the industry campaign Energy in Depth. "The agency knows its draft report is deeply flawed, but instead of doing the responsible thing and withdrawing it, EPA is dragging out the process."

Some pointed out that EPA Administrator Lisa Jackson plans to leave before the end of the month. An industry source speculated that the agency might not want a new administrator to have to deal with the Pavillion controversy "on day one."

The length of the delay is also unusual. Comment periods are usually extended by 30, 60 or 90 days.

EPA has already delayed the case once after a combined assault on the findings by industry and state officials.

WyoFile: EPA again delays Pavillion groundwater investigation related to fracking

— January 10, 2013

The U.S. Environmental Protection Agency has again delayed action in its highly controversial investigation into contaminated drinking water in Pavillion, Wyoming.

WyoFile obtained a document scheduled to be published in the Federal Register on January 11, 2013, announcing the extension of the public comment period for EPA Region 8's "Investigation of Ground Water Contamination near Pavillion, Wyoming" to September 30, 2013.

Public comment was first initiated in December 2011.

Tanks hold natural gas condensate and mark the spot of producing gas wells in the Pavillion field, in Fremont County, Wyo., in the heart of the Wind River Indian Reservation. The Environmental Protection Agency said it found chemicals that are used in gas drilling in water wells near this site. (Abraham Lustgarten/ProPublica)

That draft report, released publicly in December 2011, alleged that chemicals commonly associated with hydraulic fracturing — or "fracking" — indeed contributed to contaminated drinking water in the tiny, rural farming community.

The report set off a firestorm of criticism from both Wyoming officials and Pavillion natural gas field operator EnCana Oil & Gas USA, taking aim at the EPA's methodology, data and conclusions. In the controversy, a scientific peer review required to finalize the draft report has been continually delayed.

This week's news of yet another delay further frustrated stakeholders on all sides of the issue, including some Pavillion area residents who believe the EPA's investigation — and conclusions mentioned in the draft report — is the most reliable information on the matter.

"What it really means for us is months and months of waiting and still being exposed to impacts that we've suffered all along and having no resolution," Pavillion area rancher John Fenton told WyoFile. "Go ahead and extend public comment, but allow the peer review go forward. .... I'm trying to find out who requested this."

A spokesman for EnCana Oil & Gas USA said the company was equally disappointed.

"This issue goes to our reputation and we take this very seriously and we don't believe the issues in Pavillion are related to our oil and gas operation," EnCana spokesman Doug Hock told WyoFile. "It's a disservice to us and a disservice to people of Pavillion and to the state of Wyoming."

Hock said EnCana had prepared several third party reports from geologists, hydrologists and other experts to submit to EPA next week. The reports essentially are a critique of EPA's groundwater investigation, which EnCana believes has been proven scientifically invalid.

That question of validity, however, cannot be officially answered until — and unless — a peer review weighs in on the matter.

Jeffrey Locker stands next to a natural gas well behind his home near Pavillion. (Dustin Bleizeffer/WyoFile – click to enlarge)

The EPA issued this statement today; “During this time EPA will continue its public outreach activities including meeting with key stakeholders and posting additional technical information on the agency’s website. This extension will allow the public additional opportunity to comment on EPA’s draft report and the latest round of sampling conducted by EPA and USGS. The Agency will take into account new data, further stakeholder input, and public comment as it continues to review the status of the Pavillion investigation and considers options for moving forward.”

In meantime, dozens of families are left without answers as to why their drinking water is fouled.

“We have all this work and it’s not being allowed to continue on through this peer review process and come to some conclusion,” said Fenton.

The state has pitched in money to provide cisterns as a temporary fix, although few homeowners have committed to having them installed because they still have to pay for water. The state has also launched planning efforts for a long-term water supply solution.

EnCana is still providing some water on a temporary basis. The company continues to operate about 145 natural gas wells in the Pavillion field, and says it has not performed any drilling or fracking operations since 2007. This past year, a potential buyer backed out of negotiations to purchase the field.

“That buyer decided, because of the ongoing issues with EPA, decided not to go through with that transaction,” said Hock. “It’s not a core asset for us.”

— Dustin Bleizeffer is WyoFile editor-in-chief. Reach him at 307-577-6069 or [dustin@wyofile.com](mailto:dustin@wyofile.com). Follow Dustin on Twitter @DBleizeffer.

#### Law 360: EPA Wants More Public Input On Fracking Pollution Report

By Derek Hawkins

Law360, New York (January 10, 2013, 5:58 PM ET) -- The U.S. Environmental Protection Agency will seek more public comments on a report linking hydraulic fracturing to groundwater contamination in Wyoming that could serve as the basis for federal regulations on the process, according to a Federal Register notice to be published Friday.

The EPA said it would extend the comment period until Sept. 30 so it could meet with stakeholders and publish more details about the report. Commenting had been scheduled to close Jan. 15.

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